



THE REGIONAL PLANNING COMMISSION

County of Los Angeles

MINUTES

Meeting Place: Room 150 Hall of Records
320 W. Temple Street
Los Angeles, California 90012
Meeting Date: December 2, 2015 - Wednesday

Time: 9:00 a.m.

Present:

Commissioners Modugno, Pincetl, Smith, Louie, Pedersen

Ex Officio Members:

Director of Public Works: Mr. Matthew Dubiel, Civil Engineer

County Counsel: Mr. Joe Nicchitta, Deputy

Planning Director: Mr. Mitch Glaser, Assistant Administrator, Current Planning Division

Forester and Fire Warden: Ms. Janna Masi, Supervising Fire Prevention Engineer

PLEDGE OF ALLEGIANCE

1. The Pledge of Allegiance was led by Commissioner Pincetl representing the Third Supervisorial District.

APPROVAL OF AGENDA

2. Motion/second by Commissioners Pincetl/Louie – That the agenda for December 2, 2015 be approved.

COUNTY COUNSEL REPORT

3. There were no reports given by County Counsel.

DIRECTOR/DEPUTY DIRECTOR

4. Mr. Glaser reported that on November 24, 2015 at the Board of Supervisors meeting the Board took the following actions:
 - 1) Appeal of Project No. R2014-02734-(1) to authorize the sale of beer and wine for off-site consumption within an existing 7-Eleven convenience store. The Board denied the appeal and added the following conditions: 1) alcoholic beverages may not be displayed in designated coolers or occupy more than 5% of the store's total

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DIRECTOR/DEPUTY DIRECTOR (Cont.)

shelf space; 2) there shall be a display area prominently located near the entrance to the store with the minimum of 30 square feet devoted to the sale of fresh produce and healthy foods such as yogurt, cheese, eggs and legumes; 3) the hours of alcohol sales should be limited from 6:00 a.m. to midnight; and 4) temporary signs or banners shall be prohibited.

- 2) Appeal of Project No. R2013-01646-(4) – to authorize a demolition of all existing facilities and removal of existing vegetation from the development area; construction of up to 83,253 sq ft commercial, retail, restaurant, office, marine commercial, boater and community serving space with associated parking, signage and landscaping, open-air dry boat storage and mast up storage and a public waterfront promenade; realignment of bike path through the project site and a public plaza; valet-managed, commercial tandem parking arrangement and a reduction in required parking. The Board denied the appeal and instructed County Counsel to return to the Board with findings and revised conditions.
- 3) Appeal of Project No. R2014-02996-(5) - to authorize a new 2,029 sq ft Taco Bell fast food restaurant with drive-through facilities in the C-2-DP zone. The Board denied the appeal and added a condition prohibiting a drive-through facility and instructed County Counsel to return to the Board with findings and revised conditions.
- 4) In addition, the Board at its meeting of December 1, 2015 adopted findings and conditions for approval of Conditional Use Permit No. 2014-00028-(4) to authorize development of 53 attached residential two multi-family lots located with the Candlewood Country Club.
- 5) Lastly, the Board approved a contract with PlaceWorks to prepare the West Athens-Westmont Transit Oriented District Specific Plan and Environmental Impact Report.

MINUTES FOR APPROVAL

5. Motion/second by Commissioners Smith/Pincetl – That the minutes for October 28, 2015 be approved.

At the direction of the Chair, the minutes were approved with Commissioners Smith, Pincetl, Modugno and Pedersen in favor and Commissioner Louie being recorded as abstaining.

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PUBLIC HEARINGS

Zoning Permits - West Section

Action Taken as Noted

6. **(Continued from 10/21/15). Project No. R2013-02546-(2). Applicant: Ned Nik. 11408 New Hampshire Avenue. West Athens-Westmont Zoned District. a. Conditional Use Permit No. 201300125. To authorize the off-site sale of beer and wine at an AM/PM convenience store of an Arco gas station. b. Environmental Assessment No. 201300213. To consider a Negative Declaration as it has been determined that the project will not have a significant effect on the environment pursuant to CEQA reporting requirements.**

Mr. Temple presented the staff report and indicated that a condition was added to reflect no malt liquors and/or malt based products with alcoholic content greater than five percent by volume shall be sold. In addition, he stated that he was unsuccessful in obtaining a statistical report on calls for service from the Sheriff's Department and that the Deputy Director will seek assistance from the Second Supervisorial District.

Fred Cohen, the applicant's representative provided testimony in favor of the project. Henry Porter, Southwest Community Association voiced his opposition, stating that the added license would create an undue concentration of off-site alcohol licenses, negatively affecting the community's quality of life. He stated that currently there are on-going issues of loitering and drinking and requested the Commission deny the permit.

- Commissioner Louie voiced his concerns on availability of security 24/7 and felt that employees are not responsible to be police security as part of their job. Commissioner Pincetl asked if the Department can reconsider a model for gas stations utilizing healthy food at convenience stores that require a Conditional Use Permit (CUP) for alcohol sales. Mr. Glaser reported that staff would return with a report to the Commission.

Mr. Cohen responded that AM/PM is fully staffed to handle the loitering along with cameras inside and outside the premises. If incidents were to occur, employees shall call local law enforcement if necessary.

Commissioner Pincetl requested that staff evaluate what is a public convenience and necessity where there is an over concentration of alcohol sales and the nexus to land use regulations.

Commissioner Smith inquired for areas of over concentration that other resources incentives be considered such as healthy food and other community assets under the regulations.

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PUBLIC HEARINGS (Cont.)

Zoning Permits - West Section

Mr. Glaser reported that staff will return with a report regarding healthy food at convenience stores that require a CUP for alcohol sales.

Due to the location being a high-crime area with regular calls for disturbance and public intoxication, Commissioner Louie requested that staff re-contact the South Los Angeles Sheriff Station to obtain a number of calls for service at adjacent liquor stores.

Motion/second by Commissioners Louie/Pincetti – That the item be continued to allow staff to obtain a report from the Sheriff's of calls and crime activity of the neighborhood.

At the direction of the Chair, the item was continued to Wednesday, January 20, 2015.

Zoning Permits - East Section

Project Approved

7. **Project No. R2015-01450-(1). Conditional Use Permit No. 201500059. Applicant: Grocery Outlet. 510 Workman Mill Road. Puente Zoned District. To authorize the sale of beer, wine and distilled spirits for off-site consumption at a proposed Grocery Outlet Bargain Market in the C-1 (Restricted Business) Zone, within the Avocado Heights Community Standards District (CSD). This project is categorically exempt (Class 1 – Existing Facilities) pursuant to CEQA reporting requirements.**

Ms. Bush presented the staff report and indicated a condition of approval would be added to state that the sale of fresh produce shall be displayed as shown on the approved shelf/floor plan.

Testimony was followed from the applicant's representatives, Katy Schardt and Patrick Davis both in favor of the project. They requested a condition of approval be removed, Condition No. 46 which required the permittee to hire a security guard for the premises, during all hours of operation. Three members of the public spoke in support and one member in opposition voicing concerns on conditions to mitigate impacts were insufficient.

Motion/second by Commissioners Smith/Louie – That the Regional Planning Commission close the public hearing and find that the project is categorically exempt pursuant to state and local CEQA guidelines.

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PUBLIC HEARINGS (Cont.)

Zoning Permits - East Section

Motion/second by Commissioners Smith/Louie – That the Regional Planning Commission approve Conditional Use Permit No. 201500059 with modifications: 1) add a condition that the sale of fresh produce shall be displayed as shown on the approved shelf/floor plan; and 2) remove Condition No. 46 reflecting the need of a security guard being available on-site during all hours of operation.

At the direction of the Chair, the item passed unanimously. The appeal period ends on Wednesday, December 16, 2015.

DISCUSSION AND POSSIBLE ACTION

Land Divisions

Action Taken as Noted

8. **(Appeal of Hearing Officer's Denial). Project No. TR066952–(5). Applicant: Leona Valley Estates Limited. West of Bouquet Canyon Road, one mile south of Elizabeth Lake Road. Leona Valley Zoned District. a. Vesting Tentative Tract Map No. 066952. To create 83 single-family lots, two multi-family lots with 34 units, six open space lots, and one recreation area lot on 292 gross acres within the A-2-2 (Heavy Agricultural – Two Acres Minimum Required Lot Area) Zone. b. Conditional Use Permit No. 200700038. To ensure compliance with the requirements of non-urban hillside management, density-controlled development, and onsite grading in excess of 100,000 cubic yards. c. Environmental Assessment No. 200700035. A Mitigated Negative Declaration pursuant to CEQA reporting requirements.**

Ms. Hikichi presented the staff report and indicated that this project was previously denied by the Commission on June 29, 2011, and appealed to the Board of Supervisors. The Board referred the matter back to the Regional Planning Commission and instructed the applicant to work with staff on an appropriate redesign of the project prior to the Commission's reconsideration.

Since no work with staff has ensured, and many extensions were granted a hearing was scheduled before the Hearing Officer for denial due to inactivity. The applicant filed an appeal of the Hearing Officer's decision.

Ms. Hikichi stated that the applicant has not shown any progress of clearing the Subdivision Committee project comments and holds and recommended that the Commission deny the appeal and sustain the Hearing Officer's denial.

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DISCUSSION AND POSSIBLE ACTION (Cont.)

Land Divisions

Testimony was followed from Stephen Boren, the applicant's representative and Richard Doss, the applicant's engineer in opposition to the denial. They stated that activity of communication has been on-going with staff and that resubmittal of development plans reflect evidence of moving forward with the project.

Peggy Fuller, from the Leona Valley Town Council (LVTC) stated that little progress has been taken to move the project forward over nine years. The LVTC has offered suggestions for how to maximize their return on the property. They request the Commission deny the appeal.

Commissioner Modugno requested that the item be continued for six months to allow the applicant to work with staff and the subdivision committee to resolve the 70 plus holds on the project, and then meet with the Town Council. This will allow the applicant to bring a project for consideration.

If activity has been taking place during this six month, staff would recommend that the appeal be denied to allow the applicant to move forward. However, if in six months from today's meeting we are in the same position without any activity, the recommendation for denial would stand.

Motion/second by Commissioners Louie/Pincetl – That the item be continued to allow the applicant to work with staff and the subdivision committee to address the holds as described above.

At the direction of the Chair, the item was continued to Wednesday, May 4, 2016.

PUBLIC COMMENT

9. Public comment pursuant to Section 54954.3 of the Government Code.

There were no requests by members of the public to address the Commission.

CONTINUATION OF REPORTS

10. Possible Call for Review of Decisions by Hearing Officer, pursuant to Section 22.60.200 of the Los Angeles County Code.

There were no items Called up for Review by the Commission.

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CONTINUATION OF REPORTS (Cont.)

11. Commission/Counsel/Director Reports

County Counsel

Mr. Nicchitta reported to the Commission that on Monday, November 30, 2015, the California Supreme Court ruled on a lawsuit by the Center for Biological Diversity challenging the California of Fish and Wildlife's 2010 certification of an environmental impact report on the project. A Los Angeles County Superior Court had overturned the certification, but the 2nd District Court of Appeal later reinstated it.

With the high court's ruling, there are no further avenues of appeal for the defendants in the case, the Newhall Land and Farming Company and the California Department of Fish and Wildlife. The proposed Newhall Ranch would consist of up to 20,885 dwelling units housing nearly 58,000 residents as well as commercial and business uses, schools, golf courses, parks and other community facilities along the Santa Clara River west of the City of Santa Clarita.

The court's ruling stated that the following issues regarding the adequacy of the environmental impact report arose under the California Environmental Quality Act (CEQA). 1) Does the environmental impact report validly determine the development would not significantly impact the environment by its discharge of greenhouse gases which causes climate change; 2) Were mitigation measures adopted for protection of a freshwater fish, the unarmored threespine stickleback, and was improper taking of the fish prohibited by the Fish and Game Code; and 3) Was the Center for Biological Diversity, comments on two other areas of disputed impact submitted too late in the environmental review process to exhaust their administrative remedies under Public Resources Code section 21177.

The Court concluded that greenhouse gas emissions on the EIR employed a legally permissible reason of significances; the project was consistent with meeting statewide emission reduction goals. The report's finding found that the project's emissions would not be significant under that factor it is not supported by a reasoned explanation based on substantial evidence.

Further the Court concluded the mitigation measures calling for capture and relocation of the stickleback, a fully protected species under Fish and Game Code section 5515, subdivision (b)(9), constitute a taking prohibited under subdivision (a) of the same statute.

Lastly, the Court held under the circumstances that the Center for Biological Diversity exhausted their administrative remedies regarding certain claims of deficiency by raising them during an optional comment period on the final report.

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ADJOURNMENT

A recording of the testimony received and the discussions held at this meeting and a copy of all findings and resolutions acted upon by the Commission are on file in the Department of Regional Planning.

The Commission adjourned at 11:54 a.m. to Wednesday, December 9, 2015.



Rosie O. Ruiz, Commission Secretary

ATTEST

APPROVE



Pat Modugno, Chair



Mitch Glaser, Assistant Administrator
Current Planning Division